

REMARKS

Claims 20 to 43 are pending. Claims 1 to 19 and 44 to 51 are withdrawn.

Claim 30 has been amended to address a typographical error which had caused it to be rejected as indefinite under 35 U.S.C. § 112, second paragraph. No new matter has been added.

Claims 20 and 25 to 43 stand rejected under 35 U.S.C. § 103 (a) as obvious over Nugent, et al. (US 5,438,109). The Office Action asserts that while Nugent, at col 11 lines 48 to 63, does not specifically disclose the polyepoxide and carboxylic acid composition, the acid could be added during the ingestion period described in Nugent at col 11 lines 3-9.

Applicants respectfully submit that the reference fails to support this contention. When present at all, the acid is added *after* the formation of the final product amine-functional polymeric resin to promote water solubility. *See* lines 48 to 63. Nugent is limited to neutralizing un-gelled final product amine functional polymeric resin with acid to **allow solubilization of the final product**. There is a distinct difference between after-reaction addition of acid to solubilize product polymeric resin on one hand, and addition of acid to reactant epoxy resin to water-solubilize the starting epoxy resin on the other. Clearly, post-addition of acid cannot affect the product formed or the reaction path taken. In contrast, one skilled in the art recognizes that neutralization of amine groups *prior to reaction* will likely affect reactivity, and may affect production composition.

Moreover, the rejection is not supported by the reference. The Office Action states that Nugent "[discuss]discusses the presence of acetic acid with respect to final product. . . [however] it appears that this organic acid would have been present in the solvent system. This solvent system, including aqueous see examples." In fact, there are no aqueous solvent system examples. Only one example, Example 16, contains any water at all. And even in this example, only a small amount of water (6.72 g) relative to organic solvent level (318 g) is present. Thus, the examples can hardly be classified as disclosing an aqueous system. Further, no acid was utilized on the product, let alone added during the ingestion period.

The Office Action also rejects claims 21 to 24 on similar arguments, albeit for more defined levels of acid added. Applicants again assert that neutralization post-reaction to

DOCKET NO.: CVC-0004
Application No.: 10/666,358
Office Action Dated: March 24, 2006

PATENT

make product water-soluble is not the same as addition of acid prior to reaction of the starting resin and curative. Addition of acid to product resin is not an optimization of the reaction that precedes it. One skilled in the art recognizes that neutralization of amine groups prior to reaction will likely affect reactivity, and may affect production composition. To make a showing of obviousness, the Office Action must prove that one skilled in the art would be reasonably certain of success in the absence of the knowledge of Applicants' invention. Applicants again submit that the Examiner has not met his burden for assertion of obviousness, based on the arguments presented herein, and respectfully request that the 103(a) rejection be withdrawn.

The Office Action rejects claims 37 to 43 by asserting that kits for forming a coating produced from the claimed mixture are obvious based on the disclosure in Nugent. Not only does Nugent fail to mention kits at all, but the compositions comprising the kits are not obvious based on the Nugent disclosure, as stated hereinabove. Applicants submit that the Examiner has not met his burden for assertion of obviousness, based on the arguments presented herein, and respectfully request that the 103(a) rejection be withdrawn.

Applicants believe that the foregoing constitutes a complete and full response to the Communication of record. Accordingly, an early and favorable Action is requested respectfully.

Date: June 19, 2006



Walter C. Frank
Registration No. 50,911

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439